

### **REMARKS**

Claims 58-79 are pending. Claims 58 and 69 are currently amended.

#### **Rejections under 35 U.S.C. §103**

Claims 58-79 are rejected under 35 U.S.C. §103(a) as being unpatentable over Chwieseni *et al.* (U.S. 6,970,444) in view of Moshir *et al.* (U.S. 6,990,660). Applicant respectfully traverses.

Applicant notes with appreciation that the Examiner has clarified his reading of Chwieseni and Moshir in the Advisory Action. Accordingly, Applicant submits the above amendments to clarify the independent claims 58 and 69.

Claims 58 and 69 are amended to recite, in part:

wherein the reconfiguration commitment unit is adapted to commit to the target software configuration when ~~every~~ a result of reconfiguration from every network node determined for reconfiguration, including a result of configuration from a network node other than the at least one further network node, received at the network node from a reachable further network node is evaluated to be positive;

Applicant submits that neither Chwieseni nor Moshir deals with a network-wide coordination aspect of updating network nodes (please see the original disclosure document WO 2004/019582, on page 2, lines 5-13). Specifically, while Chwieseni deals with updating one network node and Moshir deals with verifying the result at one previous target computer, neither suggests that, for example, if one or more target nodes fail to be reconfigured, the reconfiguration is not committed.

Therefore, Applicant respectfully submits that claim 58 and 69 are allowable over Chwieseni and Moshir and, by their dependence, claims 59-68 and 70-79 are also allowable over their combination. The withdraw of the rejection under 35 U.S.C. §103(a) is respectfully requested.

**CONCLUSION**

Based on the foregoing, Applicant submits that the present application is in condition for allowance.

If the Examiner believes that any outstanding issue could be resolved through a telephone interview, Applicant kindly requests the Examiner to contact the undersigned at the telephone number listed below.

Applicant believes that no additional fees are due for the subject application. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. 04-1105.

Dated: December 23, 2009

Respectfully submitted,  
By \_\_\_\_\_/John J. Penny, Jr./\_\_\_\_\_

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